

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:19-CV-373-MOC-DCK**

PHILIPS MEDICAL SYSTEMS)	
NEDERLAND B.V., PHILIPS NORTH)	
AMERICA LLC, and PHILIPS INDIA LTD.,)	
)	
Plaintiffs,)	
)	
v.)	<u>ORDER</u>
)	
TEC HOLDINGS, INC., f/k/a TRANSTATE)	
EQUIPMENT COMPANY, INC.,)	
TRANSTATE EQUIPMENT COMPANY,)	
INC., f/k/a TRANSTATE HOLDINGS, INC.,)	
ROBERT A. WHEELER, and PEAK TRUST)	
COMPANY-AK,)	
)	
Defendants.)	
)	

THIS MATTER IS BEFORE THE COURT on the “Objection And Motion To Quash Subpoena” (Document No. 124) filed October 19, 2021 and the “Objection And Motion To Quash Deposition Subpoena” (Document No. 125) filed October 21, 2021. These motions have been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Plaintiffs filed “Plaintiffs’ Response To Motions To Quash Filed By Non-Party Beth A. Wood” (Document No. 133) on November 2, 2021. The undersigned finds that the parties’ proposed Consent Order submitted with the Plaintiffs’ Response to the pending Motions to Quash resolves the Motions to Quash (Document Nos. 124 and 125). Having carefully considered the Motions to Quash and having been advised that the parties to this action have met and conferred and reached an agreement on how to resolve the Motions to Quash as set forth below, the parties’ proposed Consent Order is adopted as follows, and the Court hereby **ORDERS:**

1. Ms. Wood shall produce the documents and communications related to her representation of and work for Decedent Daniel R. Wheeler (the “Decedent”), R. Andrew Wheeler, and TEC Holdings, Inc. (“Relevant Defendants”) to counsel for the Wheelers in this action, Faegre Drinker Biddle & Reath, LLP, with the consent of the Relevant Defendants for the purpose of assisting in the responding to the subpoenas at issue.

2. Faegre Drinker Biddle & Reath, with the consent of the Relevant Defendants, has already produced any and all relevant and responsive documents over which Relevant Defendants do not claim privilege or for which they will waive privilege to counsel for all other parties. Further, Relevant Defendants give their informed consent to the production of said documents as required for the release of materials deemed confidential by Rule 1.6 of the North Carolina Rules of Professional Conduct. Within fourteen (14) days of the date of this Order, Faegre Drinker Biddle & Reath will provide a privilege log identifying every relevant, responsive, and privileged document withheld from the production along with sufficient information to permit counsel for Plaintiffs to assess the claim of privilege, without waiver of Relevant Defendants’ rights to object.

3. At a mutually agreed upon time, Ms. Wood will be made available for deposition, and the parties have agreed that such deposition may take place after the close of fact discovery. Relevant Defendants retain the right to object and direct Ms. Wood not to disclose attorney-client privileged information or confidential information pursuant to Rule 1.6 of the North Carolina Rules of Professional Conduct at her deposition.

SO ORDERED.

Signed: November 3, 2021



David C. Keesler
United States Magistrate Judge
